

**UNITED STATES DISTRICT COURT**  
**for the**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**Southern Division**

**U.S.A. vs. David Elijah Smith**

**Docket No. 7:93-CR-16-1BO**

**Petition for Action on Supervised Release**

COMES NOW J. Brock Knight, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, David Elijah Smith, who, on June 7, 1994, appeared before the Honorable Terrence W. Boyle, U.S. District Judge in the Eastern District of North Carolina, and upon a finding of guilt to 21 U.S.C. § 841(a)(1), Possession With Intent to Distribute Cocaine Base; 18 U.S.C. § 924(c), Use of a Firearm During a Drug Trafficking Crime; 21 U.S.C. § 856, Maintaining a Dwelling for the Purpose of Distributing Controlled Substances; 18 U.S.C. § 924(c), Use of a Firearm During a Drug Trafficking Crime; 18 U.S.C. § 922(g)(1), Felon in Possession of a Firearm; and 21 U.S.C. § 861, Employment of a Person Under 18 Years of Age to Distribute Controlled Substances, was sentenced to the custody of the Bureau of Prisons for a term of 660 months. Additionally, it was ordered by the court that the defendant be placed on supervised release for 72 months upon release from imprisonment. The term of imprisonment was reduced on October 29, 1997, to 360 months. It was further reduced on July 28, 2010, to 292 months, and then again on October 30, 2012, to 188 months.

David Elijah Smith was released from custody on November 1, 2012, at which time the term of supervised release commenced.

On January 17, 2014, a revocation hearing was held addressing new criminal conduct and failure to notify the probation officer of an address change. Smith was continued on supervision and conditions were modified to include mental health treatment and no contact with the victim, Delores Wilson.

On May 1, 2015, a Violation Report was submitted to the court addressing new criminal charges. The defendant was continued on supervision pending resolution of the charges in New Hanover County District Court.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Urine specimens collected from the releasee on August 7, and August 24, 2015, were positive for cocaine and opiates. When this officer confronted Smith about illicit drug use, he admitted that he used cocaine on August 7, and August 22, 2015, and signed an admission form. Additionally, the defendant admitted that he used opiates without a valid prescription on approximately 6 occasions from August 6 to August 24, 2015. As a sanction for this violation conduct, service of 7 days in jail and participation in substance abuse treatment are recommended.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 7 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,  
/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing  
is true and correct.  
/s/ J. Brock Knight  
J. Brock Knight  
U.S. Probation Officer  
2 Princess Street Suite 308  
Wilmington, NC 28401-3958  
Phone: 910-679-2030  
Executed On: August 28, 2015

#### ORDER OF THE COURT

Considered and ordered this 28 day of August, 2015 and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge